IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.320 OF 1993

Shri Anant Mahadeo Shinde ...Petitioner

Versus

The State of Maharashtra ...Respondent

.....

Mr.Harshad Bhadbhade for Petitioner.

Mr.B.H.Mehta, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 15, 2005.

P.C.

1. As it is not in dispute that charge-sheet has since been filed in this case, the appropriate course would be to require the Petitioner to approach the Trial Court with an application for discharge, which can be decided on its own merits in accordance with law. This is so, because the entire record has now been placed before the Trial Court. Counsel for the Petitioner fairly accepts this position and submits that if all questions

regarding merits of the charge were to be kept open, the Petitioner would take recourse to that remedy and if such Application is filed, the Trial Court be directed to decide the same expeditiously.

2. Accordingly, this Petition is disposed of with liberty to the Petitioner to file Application for discharge before the Trial Court, which in turn, would be decided by the Trial Court on its own merits, in accordance with law.

3. All questions in that behalf are left open. The said Application be filed within two weeks and the Trial Court shall finally dispose of the same as expeditiously as possible and not later than three months from the date of presentation of such Application.

4. Petition disposed of on the above terms.

5. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.